

**REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

**I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1, 3-9 and 11-14 are pending in this application. Claims 1, 7-9, 13 and 14 are independent. Claims 1, 5, 7-9, 13 and 14 are hereby amended. Support for the amendment is provided in the Specification and Drawings, specifically figures 3B, 26 and 31. No new matter has been introduced by this amendment. Claims 2 and 10 are hereby canceled without prejudice or disclaimer of subject matter. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants is entitled.

A substitute Specification has been supplied, thereby obviating the objection to the Drawings. Paper 00402152 shows the changes made to the Specification. Paper 00402159 shows the updated Specification.

Claim 5 has been amended and hereby renders the 35 U.S.C. §112, second paragraph rejection moot.

Applicants respectfully traverse the 35 U.S.C. §112, sixth paragraph rejection. Applicants submit that the recitation of claim 1, “first acquiring means for acquiring edit point information describing an edit point set for said data” provides a clear means plus function step within the bounds of an apparatus. Appropriate withdrawal and reconsideration is requested.

Claims 8 and 14 have been amended, thereby rendering the 35 U.S.C. §101 rejections moot.

Applicants respectfully traverse the rejections of claims 1-6 and 9-12 under 35 U.S.C. §101. Applicants submit that claims 1-6 and 9-12 refer are apparatus claims and therefore comply with the statutory subject matter requirement, and are in no need of claiming an embodiment in a computer-readable medium. Appropriate withdrawal and reconsideration is requested.

## II. REJECTIONS UNDER 35 U.S.C. §102(b) and 35 U.S.C. §103(a)

Claims 1 and 3-14 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by EP 0855714 A2 to Yasuda et al. (hereinafter, merely “Yasuda”).

Claim 2 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Yasuda in view of WO 99/48096 to Kelly et al. (hereinafter, merely “Kelly”).

## III. RESPONSE TO REJECTIONS

Claim 1 recites, *inter alia*:

“An information creating apparatus for creating information to be provided to a reproducing apparatus for reproducing data, said information creating apparatus comprising:

...determining means for determining whether it is possible for said reproducing apparatus to reproduce in real time said data resulting from said editing process; and

relocating means for relocating data in proximity of said edit point if said determining means determines that it is impossible for said reproducing apparatus to reproduce in real time said data resulting from said editing process; and

wherein said creating means creates said reproduction control information including information for indicating said data relocated by said relocating means as a reproduction object, and

wherein said relocating means determines the location at which to create data in proximity of the edit point in accordance with the result of the determining means.” (emphasis added)

As understood by Applicants, Yasuda relates to a digital signal editing apparatus and method where a plurality of coded data are read out from a storage medium allowing random access, and read-out coded data are decoded so as to be continuous temporally and made into an edited decoding data string.

As understood by Applicants, Kelly relates to recording, reproduction and/or editing of real time information on or from a disc like record carrier for enabling simultaneous reading and writing of real time information .

Applicants submit that Yasuda and Kelly, taken alone or in combination, fail to teach or suggest the features of claim 1. Specifically, Applicants submit that there is no teaching or suggestion of an information creating apparatus for creating information to be provided to a reproducing apparatus for reproducing data, said information creating apparatus comprising determining means for determining whether it is possible for said reproducing apparatus to reproduce in real time said data resulting from said editing process; and relocating means for relocating data in proximity of said edit point if said determining means determines that it is impossible for said reproducing apparatus to reproduce in real time said data resulting from said editing process; and wherein said creating means creates said reproduction control information including information for indicating said data relocated by said relocating means as a reproduction object, and wherein said relocating means determines the location at which to create data in proximity of the edit point in accordance with the result of the determining means, as recited in claim 1.

Indeed, Applicants submit that Yasuda does not disclose the selecting from several blank areas as disclosed in figure 3B of the present invention where the bridge clip (GOP

(m+2), GOP(o) and GOP (n)) is not relocated into the blank area #2, but the blank area #1.

None of the other references mentioned in the Office Action provide the aforementioned disclosure of claim 1.

Therefore, Applicants submit that independent claim 1 is patentable.

For reasons similar to those described above with regard to independent claim 1, independent claims 7 and 8 are also believed to be patentable.

Therefore, Applicants submit that independent claims 1, 7 and 8 are patentable.

Claim 9 recites, *inter alia*:

“A reproducing apparatus comprising:

...determining means and selecting means for use when said reproduction control information includes information for indicating as a reproduction object data, which are relocated by an information creating apparatus for creating said reproduction control information and which are in proximity of said edit point,

wherein said determining means determines a location at which to start reproducing said data in accordance with said reproduction control information,

wherein said selecting means selects a decoder for reproducing said data,

wherein said reproducing means reproduces said data based on said reproduction control information, on the starting location determined by said determining means, and on said decoder selected by said selecting means, and

wherein the selecting means selects a decoder from a plurality of decoders in accordance with the reproduction control information which includes designation information.” (emphasis added)

Applicants submit that Yasuda and Kelly, taken alone or in combination, fail to teach or suggest the features of claim 9. Specifically, Applicants submit that there is no teaching or suggestion of reproducing apparatus comprising: determining means and selecting means for use when said reproduction control information includes information for indicating as a

reproduction object data, which are relocated by an information creating apparatus for creating said reproduction control information and which are in proximity of said edit point, wherein said determining means determines a location at which to start reproducing said data in accordance with said reproduction control information, wherein said selecting means selects a decoder for reproducing said data, wherein said reproducing means reproduces said data based on said reproduction control information, on the starting location determined by said determining means, and on said decoder selected by said selecting means, and wherein the selecting means selects a decoder from a plurality of decoders in accordance with the reproduction control information which includes designation information, as recited in claim 9.

Indeed, Applicants submit that Yasuda does not select a decoder based on any kinds of control information, as disclosed in the present invention in Figures 26 and 31 where a decoder is selected from a plurality of decoders in accordance with the reproduction control information which includes designation information such as the description [decoder = “0”] (Fig. 26) and the preDecBegin attribute (Fig. 31).

None of the other references mentioned in the Office Action provide the aforementioned disclosure of claim 9.

Therefore, Applicants submit that independent claim 9 is patentable.

For reasons similar to those described above with regard to independent claim 9, independent claims 13 and 14 are also believed to be patentable.

Therefore, Applicants submit that independent claims 9, 13 and 14 are patentable.

#### IV. DEPENDENT CLAIMS

The other claims in this application are each dependent from the independent claim discussed above and are therefore believed patentable for at least the same reasons. Since

each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

**CONCLUSION**

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited references, it is respectfully requested that the Examiner specifically indicate those portions of the references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully requests early passage to issue of the present application.

Respectfully submitted,

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